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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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[REDACTED] EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
	2179

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/814,304	MILLER, ROBERT A.	
	Examiner	Art Unit	
	Doug Hutton	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Applicant's Response

In Applicant's Response dated 12 October 2004, Applicant amended the Specification, amended Claims 1, 7, 11 and 16, and argued against all objections and rejections previously set forth in the Office Action dated 14 July 2004.

The objection to the Specification is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 7-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Mercer, U.S. Patent No. 6,547,830.

Claim 1:

Mercer discloses, in a system for creating documents from processed data, an apparatus for forming processed data (see Figures 1-2; see Column 3, Line 62 through Column 5, Line 32 – Mercer discloses this limitation in that the text display system comprises hardware and software that processes and displays documents on a cellular telephone display screen, as clearly indicated in the cited figures and text), comprising:

- a data storage device for storing the processed data (see Column 3, Line 62 through Column 5, Line 32 – Mercer discloses this limitation in that the system displays web pages using the Internet; Internet web pages comprise “processed data” and are stored in various “data storage devices,” such as web servers);
- a form engine connected to said data storage device for formatting the processed data in said data storage device in accordance with predetermined high level rules (see Figures 3A-D; see Column 5, Line 33 through Column 6, Line 34 – Mercer discloses this limitation in that the system includes Maximize Text Displayed software comprising a vertical distance reduction method, a font substitution method and a horizontal distance reduction method; the Maximize Text Displayed software is the “form engine,” and each of the method are “predetermined high level rules”) wherein said predetermined high level rules are applied evenly until met (see Figures 4-8; see Column 6, Line 35 through Column 9, Line 10 – Mercer discloses this limitation in that the system performs each step of each method; the methods are “applied evenly” in that each method is performed and none of the methods are omitted; also, the methods are “applied evenly” in that all of the methods are included in the same algorithm and thus run “at the same time”) and wherein said predetermined high level rules include a fail safe rule that ensures a guaranteed output when all said predetermined rules can not be met (Mercer discloses this limitation in that the methods for maximizing the text displayed are executed in conjunction with a browser; the browser *inherently* comprises a “fail safe rule that ensures output when all said

predetermined rules can not be met" in that either the methods will fully execute with no problem and the browser will display the web page, or, upon encountering any problem during execution of the methods that will not permit display of the web page, the browser displays an error message; thus, a "guaranteed output" is ensured in that either the rules will execute and the web page is displayed, or the rules will not execute and an error message is displayed); and

- an output device connected to said form engine for outputting formatted data created from said form engine (see Figure 1A – Mercer discloses this limitation in that the system comprises a cellular telephone screen that displays the web page in the revised format).

Claim 2:

Mercer discloses the apparatus of Claim 1, wherein said predetermined high level rules use loose value tradeoffs for formatting processed data (see Figures 5-8; see Column 7, Line 1 through Column 9, Line 10 – Mercer discloses this limitation in that the methods include "checkers" for determining whether any change is needed; for example, the font substitution method determines whether a character is smaller than a predetermined minimum, and, if so, then the character is revised; also, Mercer discloses this limitation in that the system retrieves a web page from the Internet that will not fit onto a small display and fits the web page data onto one page of the display screen).

Claim 3:

Mercer discloses the apparatus of Claim 2, wherein said loose value tradeoffs are selected from a group including: fit all data on one page; cleanly define text columns; bold face first line of new text; and shrink photos proportionally with text (as indicated in the above rejection for Claim 2, Mercer discloses this limitation).

Claim 4:

Mercer discloses the apparatus of Claim 2, further comprising sublevels of loose value tradeoffs (see Figures 5-8; see Column 7, Line 1 through Column 9, Line 10 – Mercer discloses this limitation in that the methods include “sub-checkers” for determining whether any change is needed; for example, the horizontal distance reduction method determines whether the web page includes a plurality of columns, and, if so, revises the spacing between the columns).

Claim 5:

Mercer discloses the apparatus of Claim 3, wherein loose value tradeoff -fit all data on one page- further includes sublevel loose value trade offs: reduce font, shrink photos and graphics proportional with font, reduce length of some data fields, and shrink margin (see Figures 5-8; see Column 7, Line 1 through Column 9, Line 10 – Mercer discloses this limitation in that the methods include “sub-checkers” that reduce the font of the web page text and reduce the horizontal and vertical distances of data fields in the web page).

Claims 7-10:

Claims 7-10 recite a system that corresponds to the system recited in Claims 2-5, respectively. Thus, Mercer discloses every limitation of Claims 7-10, as indicated in the above rejections for Claims 2-5.

Claim 11:

Mercer discloses, in a system for creating documents from processed data, a method of forming processed data (see Figures 1-2; see Column 3, Line 62 through Column 5, Line 32 – Mercer discloses this limitation in that the text display system comprises hardware and software that processes and displays documents on a cellular telephone display screen, as clearly indicated in the cited figures and text), comprising the steps of:

- providing a data storage device for storing the processed data (see Figure 1B; see Column 4, Lines 44-52 – Mercer discloses this limitation in that the system includes a memory that stores web pages, as indicated in the cited figure and text);
- adding processed data to said data storage device (see Column 5, Lines 12-15 – Mercer discloses this limitation in that the system includes a browser that loads web pages into the memory);
- connecting a form engine to said data storage device and formatting the processed data in accordance with predetermined high level rules (see Figure 2; see Figures 3A-D; see Column 5, Lines 6-32; see Column 5, Line 33 through

Column 6, Line 34 – Mercer discloses this limitation in that the system includes Maximize Text Displayed software that is connected to the memory, said software comprising a vertical distance reduction method, a font substitution method and a horizontal distance reduction method; the Maximize Text Displayed software is the “form engine,” and each of the method are “predetermined high level rules”) wherein said predetermined high level rules are applied evenly until met (see Figures 4-8; see Column 6, Line 35 through Column 9, Line 10 – Mercer discloses this limitation in that the system performs each step of each method; the methods are “applied evenly” in that each method is performed and none of the methods are omitted; also, the methods are “applied evenly” in that all of the methods are included in the same algorithm and thus run “at the same time”) and wherein said predetermined high level rules include a fail safe rule that ensures a guaranteed output when all said predetermined rules can not be met (Mercer discloses this limitation in that the methods for maximizing the text displayed are executed in conjunction with a browser; the browser *inherently* comprises a “fail safe rule that ensures output when all said predetermined rules can not be met” in that either the methods will fully execute with no problem and the browser will display the web page, or, upon encountering any problem during execution of the methods that will not permit display of the web page, the browser displays an error message; thus, a “guaranteed output” is ensured in that either the rules will execute and the web

page is displayed, or the rules will not execute and an error message is displayed); and

- connecting an output device to the form engine and outputting formatted data from said form engine (see Figure 1A – Mercer discloses this limitation in that the system comprises a cellular telephone screen that displays the web page in the revised format).

Claim 12:

Mercer discloses the method of Claim 11, wherein the predetermined high level rules use loose value tradeoffs for formatting processed data (see Figures 5-8; see Column 7, Line 1 through Column 9, Line 10 – Mercer discloses this limitation in that the methods include “checkers” for determining whether any change is needed; for example, the font substitution method determines whether a character is smaller than a predetermined minimum, and, if so, then the character is revised; also, Mercer discloses this limitation in that the system retrieves a web page from the Internet that will not fit onto a small display and fits the web page data onto one page of the display screen).

Claim 13:

Mercer discloses the method of Claim 12, further comprising the step of selecting said loose value tradeoffs from a group including: fit all data on one page; cleanly define text columns; bold face first line of new text; and shrink photos proportionally with text (as indicated in the above rejection for Claim 12, Mercer discloses this limitation).

Claim 14:

Mercer discloses the method of Claim 12, further comprising the step of adding sublevels of said loose value tradeoffs (see Figures 5-8; see Column 7, Line 1 through Column 9, Line 10 – Mercer discloses this limitation in that the methods include “sub-checkers” for determining whether any change is needed; for example, the horizontal distance reduction method determines whether the web page includes a plurality of columns, and, if so, revises the spacing between the columns).

Claim 15:

Mercer discloses the method of Claim 14, further comprising the step of adding sublevel loose value trade offs: reduce font, shrink photos and graphics proportional with font, reduce length of some data fields, and shrink margins (see Figures 5-8; see Column 7, Line 1 through Column 9, Line 10 – Mercer discloses this limitation in that the methods include “sub-checkers” that reduce the font of the web page text and reduce the horizontal and vertical distances of data fields in the web page).

Claims 16-20:

Claims 16-20 recite computer software corresponding to the apparatus recited in Claims 1-5, respectively. Thus, because the invention disclosed in Mercer involves processes executed by software, Mercer discloses every limitation of Claims 16-20 as indicated in the rejections for Claims 1-5.

Claims 1-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Kojima, U.S. Patent No. 6,633,401.

Claim 1:

Kojima discloses, in a system for creating documents from processed data, an apparatus for forming processed data (see Figure 1; see Column 1, Lines 51-60; see Column 3, Lines 7-12 – Kojima discloses this limitation in that the image forming system creates an image based on transmitted data and processes the data for printing it in hard copy), comprising:

- a data storage device for storing the processed data (see Column 4, Lines 4-19 – Kojima discloses this limitation in that the image forming system comprises RAM that stores the email data, the facsimile data and/or the print data that is received from external sources);
- a form engine connected to said data storage device for formatting the processed data in said data storage device in accordance with predetermined high level rules (see Column 4, Lines 57-65; see Column 5, Lines 41-56; see Column 7, Lines 56-67; see Column 9, Line 49 through Column 11, Line 34 – Kojima discloses this limitation in that the system comprises a sheet-saving print process that includes line pitch and font size reduction rules and an “ignore form feed code” rule for reformatting the data that is to be printed) wherein said predetermined high level rules are applied evenly until met (see Column 11, Lines 35-65 – Kojima discloses this limitation in that the system performs all rules of the sheet-saving print process; the rules are “applied evenly” in that all rules

are performed and none are omitted; also, the rules are “applied evenly” in that all of the rules are included in the same algorithm and thus run “at the same time”) and wherein said predetermined high level rules include a fail safe rule that ensures a guaranteed output when all said predetermined rules can not be met (see Column 4, Lines 20-24; see Column 9, Lines 49-55 – Kojima discloses this limitation in that the system includes both “default” formats and “designated” formats; when executing the intermediate data generating process, the system relies on the “default” format if a “designated” format is not associated with the processed data; thus, a “guaranteed output” is ensured in that the data will be printed using either the “default” format or the “designated” format); and

- an output device connected to said form engine for outputting formatted data created from said form engine (see Figure 1; see Column 11, Lines 16-34 – Kojima discloses this limitation in that the system comprises a printer, as indicated in the cited figure and text).

Claim 2:

Kojima discloses the apparatus of Claim 1, wherein said predetermined high level rules use loose value tradeoffs for formatting processed data (see Column 4, Lines 37-56; see Column 10, Lines 15-32 – Kojima discloses this limitation in that the system condenses the “multiple-page” data onto a single page and prints it, as indicated in the cited text).

Claim 3:

Kojima discloses the apparatus of Claim 2, wherein said loose value tradeoffs are selected from a group including: fit all data on one page; cleanly define text columns; bold face first line of new text; and shrink photos proportionally with text (as indicated in the above rejection for Claim 2, the system discloses “fitting all data on one page”).

Claim 4:

Kojima discloses the apparatus of Claim 2, further comprising sublevels of loose value tradeoffs (see Column 5, Lines 41-56 – Kojima discloses this limitation in that the system the image forming system comprises the line pitch and font size reduction rules for reformatting the data; thus, Kojima discloses “reducing font” and “reducing length of some data fields”).

Claim 5:

Kojima discloses the apparatus of Claim 3, wherein loose value tradeoff -fit all data on one page- further includes sublevel loose value trade offs: reduce font, shrink photos and graphics proportional with font, reduce length of some data fields, and shrink margin (as indicated in the above rejection for Claim 4, the system discloses “reducing font” and “reducing length of some data fields” for reformatting the data).

Claim 6:

Kojima discloses the apparatus of Claim 1, wherein the output device is a printer (as indicated in the above rejection for Claim 1, the image forming system discloses a printer).

Claims 7-10:

Claims 7-10 recite a system that corresponds to the system recited in Claims 2-5, respectively. Thus, Kojima discloses every limitation of Claims 7-10, as indicated in the above rejections for Claims 2-5.

Claim 11:

Kojima discloses, in a system for creating documents from processed data, a method of forming processed data (see Figure 1; see Column 1, Lines 51-60; see Column 3, Lines 7-12 – Kojima discloses this limitation in that the image forming system creates an image based on transmitted data and processes the data for printing it in hard copy), comprising the steps of:

- providing a data storage device for storing the processed data (see Column 4, Lines 4-19 – Kojima discloses this limitation in that the image forming system comprises RAM that stores the email data, the facsimile data and/or the print data that is received from external sources);

- adding processed data to said data storage device (see Column 4, Lines 57-65 – Kojima discloses this limitation in that the system receives data and store it in RAM);
- connecting a form engine to said data storage device for formatting the processed data in said data storage device in accordance with predetermined high level rules (see Column 4, Lines 57-65; see Column 5, Lines 41-56; see Column 7, Lines 56-67; see Column 9, Line 49 through Column 11, Line 34 – Kojima discloses this limitation in that the system comprises a sheet-saving print process that includes line pitch and font size reduction rules and an “ignore form feed code” rule for reformatting the data that is to be printed) wherein said predetermined high level rules are applied evenly until met (see Column 11, Lines 35-65 – Kojima discloses this limitation in that the system performs all rules of the sheet-saving print process; the rules are “applied evenly” in that all rules are performed and none are omitted; also, the rules are “applied evenly” in that all of the rules are included in the same algorithm and thus run “at the same time”) and wherein said predetermined high level rules include a fail safe rule that ensures a guaranteed output when all said predetermined rules can not be met (see Column 4, Lines 20-24; see Column 9, Lines 49-55 – Kojima discloses this limitation in that the system includes both “default” formats and “designated” formats; when executing the intermediate data generating process, the system relies on the “default” format if a “designated” format is not associated with the

processed data; thus, a “guaranteed output” is ensured in that the data will be printed using either the “default” format or the “designated” format); and

- connecting an output device to said form engine for outputting formatted data created from said form engine (see Figure 1; see Column 11, Lines 16-34 – Kojima discloses this limitation in that the system comprises a printer, as indicated in the cited figure and text).

Claim 12:

Kojima discloses the method of Claim 11, wherein said predetermined high level rules use loose value tradeoffs for formatting processed data (see Column 4, Lines 37-56; see Column 10, Lines 15-32 – Kojima discloses this limitation in that the system condenses the “multiple-page” data onto a single page and prints it, as indicated in the cited text).

Claim 13:

Kojima discloses the method of Claim 12, further comprising the step of selecting said loose value tradeoffs from a group including: fit all data on one page; cleanly define text columns; bold face first line of new text; and shrink photos proportionally with text (as indicated in the above rejection for Claim 12, the system discloses “fitting all data on one page”).

Claim 14:

Kojima discloses the method of Claim 12, further comprising the step of adding sublevels of loose value tradeoffs (see Column 5, Lines 41-56 – Kojima discloses this limitation in that the system the image forming system comprises the line pitch and font size reduction rules for reformatting the data; thus, Kojima discloses “reducing font” and “reducing length of some data fields”).

Claim 15:

Kojima discloses the method of Claim 14, further comprising the step of adding sublevel loose value tradeoffs: reduce font, shrink photos and graphics proportional with font, reduce length of some data fields, and shrink margins (as indicated in the above rejection for Claim 14, the system discloses “reducing font” and “reducing length of some data fields” for reformatting the data).

Claims 16-20:

Claims 16-20 recite computer software corresponding to the apparatus recited in Claims 1-5, respectively. Thus, because the invention disclosed in Mercer involves processes executed by software, Kojima discloses every limitation of Claims 16-20 as indicated in the rejections for Claims 1-5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Mercer, in view of Schilit et al., U.S. Patent No. 6,670,968.

Claim 6:

As indicated in the above discussion, Mercer discloses every element of Claim 1.

Mercer fails to expressly disclose an output device that is a printer.

Schilit teaches a text display system that retrieves a web page using a cellular telephone and prints the web page on a printer (see Figure 5B; see Figure 6C; see Column 5, Lines 30-51; see Column 8, Line 60 through Column 9, Line 9 – Schilit teaches this limitation in that the display system comprises a cellular telephone that displays a reformatted web page and allows the user to print the web page, as indicated in the cited figures and text) for the purpose of obtaining a hard copy of the retrieved web page.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the text display system, disclosed in Mercer, to include an output device that is a printer for the purpose of obtaining a hard copy of the retrieved web page, as taught by Schilit.

Response to Arguments

Applicant's arguments filed 12 October 2004 have been fully considered but they are not persuasive.

Arguments for Claims 1-5 and 7-20 with regard to Mercer:

Applicant argues that Mercer fails to disclose high level rules that execute "evenly" because the methods to reduce the horizontal and vertical spacing between characters and the method to reduce the font size are executed sequentially and do not execute at the same time to accomplish the rule objective. See *Applicant's Response* – Page 9, second and third full paragraphs.

The examiner disagrees.

The relevant claim language reads: "a form engine connected to said data storage device for formatting the processed data in said data storage device in accordance with predetermined high level rules wherein said predetermined high level rules are applied evenly until met." See Claim 1, Lines 4-8.

The recitation that the rules are "applied evenly until met" is extremely broad. Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in

view of the specification" without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969).

This language could be interpreted several different ways by one of ordinary skill in the art (i.e., a computer programmer). One interpretation is that each of the rules will always be applied to the data being processed until each rule is met and none of the rules will be omitted. As indicated in the above rejection for Claim 1, Mercer discloses Maximize Text Displayed software comprising a vertical distance reduction method, a font substitution method and a horizontal distance reduction method. Each of the methods are "applied evenly until met" in that each method is fully performed "until met" and none of the methods are omitted.

Another interpretation is that none of the rules are "weighted," so that each of the rules are of equal importance and are thus "applied evenly until met." Under a "weighted rule" system, execution of one rule may result in a determination that another rule need not be executed. As indicated in the above rejection for Claim 1, Mercer discloses that each method is fully performed "until met" and none of the methods are omitted.

Finally, another interpretation, as stated by Applicant, is that the rules are executed "at the same time" in order to accomplish the rule objective. As indicated in the above rejection for Claim 1, the methods disclosed in Mercer are included in the same algorithm (i.e., the Maximize Text Displayed software) and thus run "at the same

time" to accomplish the rule objective (i.e., maximize the amount of text that is displayed).

Accordingly, Mercer discloses "rules" that are "applied evenly until met."

Applicant also argues that Mercer fails to disclose a fail safe rule that ensures a guaranteed output when all rules cannot be met. See *Applicant's Response* – Page 9, third full paragraph.

The examiner disagrees.

As indicated in the above rejection for Claim 1, Mercer discloses that the methods for maximizing the text displayed are executed in conjunction with a browser, and the browser *inherently* comprises a "fail safe" rule that "ensures output when all said predetermined rules can not be met" in that either the methods will fully execute with no problem and the browser will display the web page, or, upon encountering any problem during execution of the methods that will not permit display of the web page, the browser will display an error message. Under either scenario, a "guaranteed output" is ensured because either the rules will execute and the web page will be displayed, or the rules will not execute and an error message will be displayed.

Accordingly, Mercer discloses a "fail safe" rule that "ensures output when all said predetermined rules can not be met."

Arguments for Claims 1-20 with regard to Kojima:

Applicant argues that Kojima fails to disclose high level rules that execute “evenly,” i.e. at the same time, in order to accomplish the rule objective. See *Applicant’s Response* – Page 10, second paragraph.

The examiner disagrees.

The analysis of the recited claim language performed in the above discussion also applies here. Kojima discloses a system that performs all rules of the sheet-saving print process. That is, the rules are “applied evenly until met” in that all of the rules are performed and none are omitted. Also, the rules are not “weighted” and thus the execution of one rule does not obviate the execution of another rule. Finally, the rules are included in the same algorithm (i.e., the sheet-saving print process) and thus run “at the same time” to accomplish the rule objective (i.e., to save sheets of paper during printing).

Accordingly, Kojima discloses rules that are “applied evenly until met.”

Applicant also argues that Kojima fails to disclose a fail safe rule that ensures a guaranteed output when all rules cannot be met. See *Applicant’s Response* – Page 10, second paragraph.

The examiner disagrees.

As indicated in the above rejection for Claim 1, Kojima discloses that the system includes both “default” formats and “designated” formats. When executing the intermediate data generating process, the system relies on the “default” format if a

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"designated" format is not associated with the processed data. Thus, a "guaranteed output" is ensured in that the data will be printed using either the "default" format or the "designated" format.

Accordingly, Kojima discloses a "fail safe" rule that "ensures output when all said predetermined rules can not be met."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (571) 272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
February 26, 2005



STEPHEN HONG
SUPERVISORY PATENT EXAMINER